

**HIGHLAND BOARD OF ZONING APPEALS**  
**Minutes of the Meeting of**  
**November 28, 2018**

The Highland Board of Zoning Appeals met on November 28, 2018 in the meeting room of the Municipal Building, 3333 Ridge Road, Highland IN. Mrs. Murovic called the meeting to order at 6:33 p.m. The meeting opened with the Pledge of Allegiance led by Mr. Helms.

**ROLL CALL:** Present were Mr. Helms, Mr. Leep and Mrs. Murovic. Also present were Building Commissioner/Zoning Administrator, Mr. Ken Mika and Town Attorney, Mr. Jared Tauber.

**MINUTES:** The minutes of the October 24, 2018 meeting were approved as posted.

**ANNOUNCEMENTS:** The next meeting of the Board of Zoning Appeals to be January 23, 2019 at 6:30 p.m. There will be no Board of Zoning Appeals meeting in December due to the proximity of the Christmas holiday.

**COMMUNICATIONS:** None

**Old Business: Approval of Findings of Fact** for Target Corporation, 10451 Indianapolis Boulevard, Highland, IN 46322, represented by Kevin Nowak of Kimley-Horn & Associates, 1001 Warrenville Road, Lisle, IL, requesting a variance to exceed sign allowance and sign square footage. **18.85.030 Sign types.** (B) Permanent Business Signs. (1) Location. (a) One permanent business sign shall be required for all buildings and businesses in a nonresidential zoning district. Such sign shall be placed above the front entrance of the business, but no higher than the second story of the building where the business is located. **18.85.030 Sign types.** (B) Permanent Business Signs. (3) Size. (a) For single-use buildings, permanent business signs shall not exceed 40 square feet in gross sign area. (b) For multi-use and mixed-use buildings, the maximum gross area for permanent business signs shall be either one square foot for each linear foot of frontage that the building occupies, or 150 square feet, whichever is less.

Mr. Leep motioned to approve the Findings of Fact. Mr. Helms seconded and it unanimously passed with a roll call vote of 3 – 0.

**Old Business: Approval of Findings of Fact** for Daniel Yonovich, 3716 38<sup>th</sup> Street, requesting a variance to exceed accessory structure allowance, asking to construct a 16' x 24' accessory building (shed) in backyard. {HMC 18.05.060 (F) (5)} In Zoning District R-1A, R-1, R-2, or R-3. The summation of the gross floor area of all accessory structures shall not exceed the gross floor area of the principal structure, or 720 square feet, whichever is less.

Mr. Leep motioned to approve the Findings of Fact. Mr. Helms seconded and it unanimously passed with a roll call vote of 3 – 0.

**Old Business: Continued Public Hearing** for John P. Rastovsky, 10120 Kennedy Avenue, requesting a variance to exceed accessory structure allowance, asking to construct a 30' x 48' (1,440 sq. ft.) accessory building at the location of 10120 Kennedy Ave. {HMC 18.05.060 (F) (5)} In Zoning District R-1A, R-1, R-2, or R-3. The summation of the gross floor area of all accessory structures shall not exceed the gross floor area of the principal structure, or 720 square feet, whichever is less.

Mrs. Murovic opened the meeting and asked who would be representing the petitioner. Mr. John P. Rastovsky stepped forward and stated his name and address. His brother, Mr. James Rastovsky of 2804 Hillside Drive, Dyer, IN also stepped forward and stated his name and address. Mrs. Murovic requested a confirmation from Attorney Jared Tauber that the Proofs of Publication were still in order due to the fact that this was a Continued Public Hearing. He confirmed that was correct, they were still in compliance with IC 3-5-1.

Mrs. Murovic asked the petitioner if he had any additional information to share with the Board. Mr. James Rastovsky replied that they did and proceeded to hand out a sheet to the Board members showing the color, type and specifications of the siding they planned to use for the proposed accessory structure. He also mentioned that the rest of the information on the size of structure, type of structure and roof details were the same as noted on the package that they presented to the Board on October 24<sup>th</sup> in their original hearing. He then stated that he felt the minutes of that original hearing summed up what they were proposing very effectively and the only changes were that the structure would have a post frame construction, which would be all wood and the vinyl siding instead of the metal siding originally proposed. The roof would stay the same as originally proposed, which would be steel and the color would be uniform. He also mentioned that the new vinyl siding met the specifications required by the Town and added that with the changes proposed, the appearance of the new structure would match the existing residence very well.

Mrs. Murovic asked how many bay doors would be on the new structure. Mr. Rastovsky replied that there would be one overhead door, 16', and also a man door. Mrs. Murovic asked what the peak height of the structure would be. Mr. Rastovsky responded that it would be 17'7" at its peak. She then asked if the width or the height of the overhead door was to be 16' and he responded that 16' was the width of the door. She then inquired as to the height of the overhead door. Both brothers responded the height would be 10' on

the overhead garage door. Mrs. Murovic then inquired as to the total size of the proposed structure, and Mr. James Rastovsky responded the size of the structure being requested would be 30' x 48' and that they would be removing the existing garage if they were granted the variance, so there would just be the one new structure on the property. Mrs. Murovic then asked for clarification as to how the driveway to the new structure would be added. Mr. James Rastovsky responded that they would have the concrete pad from the existing garage in front of the new structure and then it would connect to the existing stone driveway that is on the property. Mr. John Rastovsky mentioned that in the future, he may add an asphalt driveway.

Mr. Helms asked for clarification from Mr. Mika as to what they would be required to have as the driveway material, if stone would be legal non-conforming, and if Mr. Rastovsky would be required to put down asphalt for new construction. Mr. Mika replied that if it were new construction, concrete or asphalt would be required; however, if the stone driveway is existing it would be permissible. Mr. Rastovsky stated that it was existing and explained that they plan to keep the concrete pad from the existing garage that will be taken down and that they will continue that same pad out to the proposed structure and then re-establish the stone/gravel to meet the end of the concrete pad in front of the proposed structure.

Mr. Helms then asked what the square footage of the house on this property is. Mr. James Rastovsky replied that it was 1,431 square feet. Mrs. Murovic asked for confirmation that the house was a story and a half. Mr. Rastovsky replied that it was, also there was a partially finished basement. Mrs. Murovic asked if the partially finished basement was included in the 1,431 square foot total. Mr. Rastovsky replied that it was. She then asked for confirmation of the footprint of the house, and Mr. Rastovsky responded that it was 27' x 28'. Mr. Helms then inquired if the neighbor to the north had weighed in on this project. Mr. Rastovsky responded that the neighbor to the north is well aware of the project and that his brother John, who owns the property talks frequently to this neighbor about the project and the neighbor has no objections to the proposed structure. Also, he stated, none of the other neighbors object to this project. Mr. Rastovsky then stated that the proposed structure would be back far enough off of Kennedy Avenue and that it would not be very visible from the road. Mr. Helms stated that what the neighbors think and what it will do to the neighborhood is a big consideration for the Board. He also mentioned that another concern for the Board is the fact that they don't encourage an accessory structure that has a larger footprint than the residence on the same property, which is the case with this proposed structure.

Mr. Rastovsky stated that their preferred structure choice was the 30' x 48' size that they originally asked for. A second alternative would be 30' x 40' and that they would be satisfied with that size, also. A third alternative would be a 24' x 36' new structure, along with keeping the existing garage. Mr. Helms stated that he felt the best compromise was the middle option of the new structure at 30' x 40', and the demolition of the existing garage. This choice would bring the square footage of the new structure down to less than the square footage of the house, which is what they encourage and it would be more likely to be approved by the Board. Mr. Helms then stated that the

petitioners would have to make that proposal. Mr. James Rastovsky agreed that they would accept the compromise and this size would be satisfactory for his brother's needs. He made the proposal for the structure to be constructed at the 30' x 40' size.

Mrs. Murovic asked the other Board members if they felt the style of this proposed building would be compatible with the style of the home. Mr. Rastovsky stated they would match it with the house and it would have a steel roof.

Mr. Leep stated that he felt the structure with the vinyl siding was acceptable.

Mr. Mika asked if the brothers had a contractor that they selected to build the structure. Mr. James Rastovsky replied that they had looked at several, but with the changes that have been discussed, they may have to review and choose the best to build it. Mr. Mika then stated that the reason he posed the question was that the type of post frame construction being proposed may make it difficult to secure the proposed siding. Also, after the fact, if approved, we didn't want to hear that what is being proposed won't work, then we're back to metal siding. If a motion is made to approve it, it will be contingent upon the proposed vinyl siding. Mr. Rastovsky then responded that they had fully discussed the choices with the contractors they had spoken to and the siding would be applied to plywood, secured to the post frame construction. Mrs. Murovic asked if this structure would be a monolithic pour, or if it would require a footing and a foundation. Mr. Mika replied that in this case, because it is a post frame construction, it would not require a monolithic pour or a traditional footing/foundation. Mr. Mika stated that the code allows for structures up to 721 sq. feet to have monolithic pours. Anything over that size would require a footing and a foundation. However, the post frame construction has to meet other approved and accepted engineering standards.

Mr. Helms motioned to approve the 30' x 40' structure with the proposed modifications. Mr. Leep seconded. Mrs. Murovic clarified the Board's motion that the building is to be constructed at the size of 30' x 40', with vinyl siding, a post frame, plywood construction and to be built in the location stated on the survey.

The motion unanimously passed with a roll call vote of 3 – 0.

**BUSINESS FROM THE FLOOR: None**

**ADJOURNMENT: Motion: Mr. Helms Second: Mr. Leep Time: 6:55 p.m.**